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In re application of
James R. Myers
Application No. 09/368,422
Filed: August 5, 1999
For: SUPPLY CHAIN FINANCING

DECISION ON PETITION
TO WITHDRAW THE
HOLDING OF ABANDONMENT

This is in response to applicant's petition to withdraw the holding of abandonment filed in the United States Patent and Trademark Office (USPTO) on January 17, 2003. The delay in treating this petition is sincerely regretted.

The petition is **DISMISSED as moot**.

A review of the application file reveals that an Office action was mailed June 3, 2002 wherein a three-month shorten statutory period for reply was set. Since no response had been matched with the file and the six-month statutory period for response had expired, the application was held to be abandoned and a notice to that effect was mailed January 10, 2003.

A further review reveals that the original response of August 16, 2002 was inadvertently not recognized as a response to the Office action. That original response is timely. Since a timely response to the Office action of June 3, 2002 has been filed, the abandonment will be withdrawn. Since the original of the response in question is now in the file, there is no need to treat the petition on the merits and it is therefore dismissed as moot.

This application will be forwarded to the Supervisory Legal Instruments Examiner to withdraw the abandonment, return the application to pending status and correctly enter the original response filed August 16, 2002 as an Election before forwarding to the examiner for treatment on the merits.

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KJD/tpl: 5/29/03